

***When will a decision be made regarding the child abuse or neglect investigation?***

The Department’s objective is to make a decision on the investigation within 14 days. However, to ensure that quality and thoroughness are not compromised, the Department may take up to 60 days to complete an investigation.

A child protective service worker can make one of two decisions. He or she may determine the report to be “unfounded” or “indicated.”

***What happens when a report is determined “unfounded?”***

An “unfounded” report shall be maintained by the State Central Register for three years, 12 months, 60 or 30 days depending of the severity of the allegation, the status of the reporter (e.g., mandated or non-mandated reporter) and whether the report involved a Department ward. (Rules 431, Confidentiality of Personal Information of Persons Served by the Department of Children and Family Services).

***What happens when a report is determined “indicated?”***

A report is “indicated” when a child protective service worker determines that there is credible evidence that the child was abused or neglected. “Credible evidence” means that the facts gathered by the investigator would lead a reasonable person to believe that a child has been abused or neglected. The State Central Register retains indicated reports for 50, 20 or five years depending on the allegation and presenting factors. (Rules 431, Confidentiality of Personal Information of Persons Served by the Department of Children and Family Services).

***Notification***

Due to the licensing and employment ramifications, when the child abuse or neglect investigation is concluded, the recommended findings are to be communicated as quickly as possible in order to preclude unnecessary damage to the reputations of those involved and to the facility. The licensee will be notified whether the report is determined “unfounded” or “indicated.”

***What happens to the perpetrator and the facility when a report is “indicated?”***

The perpetrator may be restricted from the direct care of or contact with children in the facility. Compliance with this provision, in addition to other requirements listed in

the protection plan, is the responsibility of the licensee. The Child Care Act (225 ILCS 10/8) gives the Department authority to revoke or refuse to renew the license of any licensed child care facility when the licensee is the subject of an “indicated” child abuse or neglect report. As a result, licensing staff will evaluate the circumstances of each case in order to determine whether licensing enforcement action is warranted.

Factors that may be considered include, but are not limited to:

- 1. The seriousness of the abuse or neglect
- 2. The circumstances surrounding the incident
- 3. Prior reports and licensing violations concerning the facility
- 4. The number of children involved
- 5. The relationship of the incident to the perpetrator’s current job responsibilities
- 6. The efforts to establish a corrective/protective action plan

Whenever revocation is initiated, licensing staff will inform the licensee of his or her right to appeal (administratively) the revocation action.

***What rights does an indicated perpetrator have?***

Anyone who is indicated as a perpetrator of child abuse or neglect has the right to appeal that finding. Indicated perpetrators receive notice by mail from the DCFS State Central Register advising them of the child protective service worker decision and of their right to appeal that decision through the administrative appeal process set up and operated by the Department. This notice apprises the subject of the steps he or she must take as well as the deadlines involved in securing an appeal.

An administrative hearing is conducted by an Administrative Law Judge and consists of the Department presenting its case and any witnesses who have been subpoenaed. The appellant or the appellant’s counsel then has the right to cross-examine any witness presented by the Department as well as to present their own testimony and witnesses. The Administrative Law Judge may also question any of the witnesses.

The Administrative Law Judge will make his or her recommendation to the Director of DCFS, who will make the final decision on the case. If unfounded, all records are expunged unless the appellant requests otherwise. If upheld, the case stays in the State Central Register Files for five years or longer depending on the severity of the allegation. The appellant may then seek judicial review.

***For more information***

Staff of your local office of the Department of Children and Family Services will help you with your questions or concerns about the child abuse hotline or the investigative responsibilities of the Department.

If for some reason, you are unable to resolve your concerns through staff at your local Department office, please complete this form and return it to:

Deputy Director of Child Protection  
Illinois Department of Children and Family Services  
406 East Monroe Street  
Springfield, Illinois 62701-1498

List specific concerns (names, dates, and special problems):

Please give your name and address and we will reply to your concerns.

Name \_\_\_\_\_

Address \_\_\_\_\_

Telephone \_\_\_\_\_

Thank you for sharing your concerns with the Department.

***What You Need to Know About Child Abuse and Neglect Investigations in Licensed Facilities***



**Introduction**

The Department of Children and Family Services is responsible for investigating reports of child abuse and neglect in licensed child care facilities. This brochure is designed to provide specific information about such investigations to licensees, their employees and consumers of services.

**What causes a child abuse or neglect investigation to be initiated at a facility?**

A child abuse or neglect investigation commences as a result of a call to the child abuse hotline alleging the abuse or neglect of a child at the facility. The report must allege that someone who visits, resides, volunteers or is employed within that facility perpetrated the abuse or neglect. Anyone can make a report by calling the 24-hour, toll-free child abuse hotline at 1-800-252-2873.

**How will decisions be made to determine the chain of responsibility for naming alleged perpetrators?**

When a report of child abuse or neglect is received at the State Central Register (Child Abuse Hotline), workers gather facts from the caller, which provide them with the information necessary to determine who they should list on the report as an alleged perpetrator. Hotline workers generally list as perpetrators only those individuals reported as directly involved in the alleged incident. The child protective service worker then has the option of adding others as alleged perpetrators should he or she discover facts suggesting a direct link between others and the alleged incident. Each investigation is unique, and decisions are always made in light of the particulars of the case at issue. However, Hotline staff and child



protective service workersdo follow specific policy guidelines to assist them in determining who to list as a perpetrator.

Factors they must consider include:

- Whether there is a direct link between the incident and a potential alleged perpetrator
- Whether a person in a supervisory or administrative position at the facility has knowledge of the commissions or omissions of a subordinate employee, including the supervisor or administrator's action or inaction following the acquisition of that knowledge. Consideration will also be given to whether the supervisor or administrator should have had knowledge in view of rules and procedures of the facility
- The responsibility placed upon the caretaker or person responsible for the child's welfare; i.e., a worker at the facility, and who assigned that responsibility.

**What happens when a child abuse or neglect investigation begins at a facility?**

All child abuse or neglect reports taken by the child abuse hotline are forwarded to a child protective service worker. He or she is required by law (325 ILCS 5/7.4) to see the child or children alleged to have been abused or neglected within 24 hours of receipt of the report. The child protective service worker will show official identification to the facility administrator, designee or person in charge of the child whenever it is necessary to see the child at the facility.

After interviewing the child, the Department must decide, in light of the facts as they currently stand, whether to proceed to a formal investigation or determine that the report is not a good faith indication of potential child abuse or neglect. If the Investigation is to be discontinued because the report is not a good faith indication of

potential abuse or neglect, the CANTS (Child Abuse and Neglect Tracking System) will show an "N." The "N" means that there is not enough evidence to proceed. The alleged perpetrator will be notified of the "N" indication by letter.

If the Department child protective service worker determines that a formal investigation is warranted, the facility director or designee must be notified that a formal investigation is being conducted.

**How will a formal child abuse or neglect investigation affect the facility or home?**

Child abuse or neglect investigations in licensed facilities are unique because of the diversity and variety of their respective setting. The Department views such facilities as very valuable resources. Therefore, the Department will make every effort to conduct such investigations quickly, sensitively, and with minimal disruption to the facility and its operation. For instance, all interviews, whenever possible, will be conducted in a private room or away from the facility. When interviews must be conducted at the facility, the time and place will be coordinated with the facility administrator whenever possible. Furthermore, requirements of confidentiality will be strictly adhered to as mandated by law.

Upon commencement of the investigation, the Department child protective service worker will contact the licensing investigator to plan concurrent and cooperative investigative activities.

**What actually occurs during the formal investigation?**

The name of the alleged perpetrator will be disclosed to the facility director or designee whenever the alleged perpetrator is employed by the facility. The director will be informed that he or she is required by law to formulate a plan, in writing, to immediately restrict the alleged



perpetrator from contact with any children at the facility. The plan shall be approved, or the Department licensing administrator will make suggestions for revision, within 72 hours. Each plan shall be devised only on the basis of the facts at hand, and any restriction shall be commensurate with the seriousness of the allegation.



The Department will not restrict DCFS referrals to a facility unless identified major programmatic, management, fiscal or licensing issues pose potential risks to children.

Children other than the alleged victim(s) may be interviewed. These interviews will be planned with the facility director to be as non-intrusive as possible. The interviews should take place in a neutral setting whenever possible. Each interview must be done individually and in person.

The alleged perpetrator will be interviewed, also in a neutral setting when possible. The Department child protective service worker, the police, or both may conduct this interview. The alleged perpetrator may have a representative present during the interview, but he or she may not unreasonably delay the investigation in order to secure such. Other facility staff may also be interviewed, but all interviews will be conducted with minimal intrusion into the operation of the facility.

The Department child protective service worker has the authority to take protective custody of a child; i.e., remove him or her from the facility, whenever warranted. Protective custody is necessary when an investigator feels that the child is in imminent danger and all other options regarding intervention, protection or placement have been exhausted or do not exist. Protective custody is rarely necessary when the victim is a DCFS ward who resides in a facility because such children may be moved at the discretion of DCFS.